
Appeal Decisions

Site visit made on 12 September 2016

by Christa Masters MA (hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal A Ref: APP/A5270/W/16/3149559

98 Elers Road, London, Middlesex W13 9QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of planning permission reference P/2012/3396.
- The appeal is made by Mr Ian Russell against the decision of the Council of the London Borough of Ealing.
- The application Ref P/2015/3584, dated 21 July 2015, sought approval of details pursuant to condition No 2 of planning permission Ref P/2012/3396 granted on 8 October 2012.
- The application was refused by notice dated 15 September 2015.
- The details for which approval is sought are details of privacy screen pursuant to condition 2 of planning permission ref: P/2012/3396 dated 08/10/2012 for: basement and ground-floor rear extension, incorporating a roof terrace, (following demolition of existing outrigger extension and conservatory) and external alterations.

Appeal B Ref: APP/A5270/W/16/3147095

98 Elers Road, London, Middlesex W13 9QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of planning permission reference P/2012/3396.
- The appeal is made by Mr Ian Russell against the decision of the Council of the London Borough of Ealing.
- The application Ref 160855CND, dated 12 February 2016, sought approval of details pursuant to condition No 2 of planning permission Ref P/2012/3396 granted on 8 October 2012.
- The application was refused by notice dated 30 March 2016.
- The details for which approval is sought are details of privacy screen pursuant to condition 2 of planning permission ref: P/2012/3396 dated 08/10/2012 for: basement and ground-floor rear extension, incorporating a roof terrace, (following demolition of existing outrigger extension and conservatory) and external alterations.

Preliminary Matters and Background

1. I have used the description of development as it appears on the Council's decisions notices as this presents a more accurate reflection of the appeal proposals.
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2. The site has a lengthy planning history. Planning permission reference P/2012/3396 permitted works to the dwelling including the provision of a roof terrace. Condition 2 of this permission requires details of a privacy screen to a height of 1.8m along the boundary between No 98 and 100 to be submitted and approved in writing by the local planning authority. The reason for this condition is to safeguard the privacy and amenity of the occupiers of the neighbouring properties.
3. There has been a previous enforcement appeal at the site reference APP/A5270/C/14/2225571. I have been provided with a copy of this decision. This appeal decision concluded that condition 2 was both reasonable and necessary to safeguard the privacy of present and future users of both roof terraces. The Inspector also concluded that without such a screen in place, the scope for intrusive viewing between the two properties could be intolerable. I have taken into account this decision in reaching my conclusions below.
4. On the day of my site visit, there was no permanent privacy screen in place but a temporary screen made of blue tarpaulin.

Decision

5. Appeal A is allowed and the details submitted pursuant to condition No 2 attached to planning permission Ref P/2012/3396 granted on 8 October 2012 in accordance with the application Ref P/2015/3584, dated 21 July 2015 and the plan submitted with it are approved: 2004/3 07 D.
6. Appeal B is allowed and the details submitted pursuant to condition No 2 attached to planning permission Ref P/2012/3396 granted on 8 October 2012 in accordance with the application Ref 160855CND, dated 12 February 2016 and the plans submitted with it are approved: I.R./1., I.R./1A., I.R./2., I.R./2A., I.R./3., I.R./3A, I.R./4, I.R./4A., Manufactures specification plan reference I.R./4B, I.R./5, I.R./5A .

Main Issues

7. In the case of both appeals, the effect of the proposal on the character and appearance of the area. In addition, in the case of Appeal A only, the effect of the proposal on the living conditions of existing and future occupiers of No 100 Elers Road.

Reasons

Appeals A & B - Character and Appearance

8. The appeal site comprises a residential dwelling. There are a number of rear terraces evident along the rear elevations of the dwellings along Elers Road. There is a great variety in terms of the design and materials used on these terraces, as well as the location of these terraces. All of these factors contribute to the established character and appearance of the area.
9. The privacy screen to be erected would provide screening between the existing roof terraces at Nos 98 and 100 Elers Road. The surrounding area is primarily residential however, the rears of the gardens back onto Lammas Park.
10. In terms of appeal A, the screen would comprise white UPVC vertical planking. In terms of appeal B, a total of 5 alternative materials for the privacy screen are included with the appeal. These include a perspex cast acrylic opaque sheet in

evergreen, evergreen UPVC screen incorporating trompe-L'oeil effect, UPVC screen painted with cream and dark grey finish with cedar cladding either end, evergreen acrylic outdoor opaque sheet and evergreen opaque sheet incorporating trompe-L'oeil effect. The appellant has therefore presented a total of 6 different design solutions to address the requirements of condition 2.

11. In the case of both appeals, the Council state that the proposals fails to reflect the established character of first floor balconies seen elsewhere along Elers Road. However, the established character is varied and I have not been referred to any specific examples of existing privacy screens along the road. The weight I can attach to this statement is therefore limited. In my view, the screen would be viewed within the context of the first floor terraces of the properties. The various materials proposed as alternative design solutions would all blend with the existing mix of materials used in the area. They would all, in my view present acceptable design solutions in the context of this domestic setting. Notwithstanding the Councils assertion that the screen would be visually intrusive or disproportionate in scale, the issue of the scale of the screen is not a matter for my deliberations.
12. In the case of both appeals, the Council have raised concerns regarding the visibility of the privacy screen from longer distant views within Lammas Park. I was able to view the appeal property from this park during my site visit. The existing properties are screened to a significant degree by the dense vegetation and tree canopies along this boundary. Where views through are possible, these are oblique views. Even in the winter months when there would be likely to be less tree cover in place, the screen would be seen within the existing context of railings, balcony treatment, chairs, tables, planting and parasols and other external features associated with upper floor terraces in this urban location. I am therefore unable to agree that either appeal A or the numerous design solutions included with appeal B would cause material harm in this regard.
13. For the above reasons, both appeals A and B would accord with both policies 7.4 and 7B of the Ealing Development Management Plan Document (EDMPD) 2013. Policy 7.4 requires development in Ealing to complement the existing built character in terms of, amongst other things, materials, scale and detailing. Policy 7B (B) requires, amongst other things, that external treatments, fitting and materials must complement the building.
14. For the same reasons, both appeals A and B would accord with the objectives of policies 7.4 and 7.6 of the London Plan (LP). Policy 7.4 requires, amongst other things, that development has regard to the local character of an area. Policy 7.6 requires structures to be of the highest architectural quality, and compromise details and material that complement, not necessarily replicate, the local architectural character. Part B seeks to ensure that structures provide high quality indoor and outdoor spaces.

Appeal A only - The effect of the proposal on the living conditions of existing and future occupiers of No 100 Elers Road

15. The Council state that the screen would result in a perception of an increased sense of enclosure from the balcony area of No 100 Elers Road. The purpose of the screen is to provide privacy for both the existing and future occupiers of both the appeal site and No 100. As a result, any screen erected to satisfactorily address the requirements of condition 2 is likely by its very nature

to create a perception of a sense of enclosure to both terraces. However, I am unable to agree that this perception of a sense of enclosure would result in material harm in this regard.

16. The occupiers of No 100 have raised a number of concerns regarding the height of the screen. However, as stated above, the necessity or otherwise of the privacy screen is not a matter for my deliberations. The requirement to provide a 1.8 metre privacy screen is established through the imposition of condition 2 attached to planning permission reference P/2012/3396. I am not convinced that the erection of the screen as detailed by appeal A would result in any material harm to the living condition of the exiting or future occupiers of No 100.
17. For the above reasons, I therefore conclude that in relation to appeal A only, the proposal would accord with both policy 7B of the Ealing Development Management Plan Document (EDMPD) 2013 which requires, amongst other things, that new development must achieve a high standard of amenity for users and for adjacent users. Appeal A would also accord with policy 7.6 of the LP which states at part B d that structures should not cause unacceptable harm to the amenity of surrounding land and buildings.

Conclusion

18. For the reasons outlined above and taking all other matters into account, the appeals are allowed.

Christa Masters

INSPECTOR